TL1566

Letter from Timorese Resistance Leader Konis Santana to Portugal's Pres. Mario Soares

His Excellency the President of the Republic of Portugal:

Excellency:

By way of this letter we wish to inform Your Excellency about the currrent state of the Resistance within East Timor, in the wake of our leaders' capture, and also about our main concerns regarding the need to find, as quickly as possible, a comprehensive, fair and lasting solution to the Timorese question, so as to put an end to the suffering of the tormented Timorese people.

I The effects of our leaders' capture on the internal aspects of the struggle, and on the international front:

(...) Although, Mr. President, the capture of the Resistance's most intellectual, influential, and wise leaders signified a strategic and decisive defeat for our struggle, it did not suppose, by any means, the end of resistance to Indonesian occupation, nor the denial of our people's right to freely choose its own destiny. On the ground, the Resistance is still alive and active on all fighting fronts! This is because, even though we acknowledge the importance of military force as a means of pressure, and the role played in the Resistance by our captured leaders, especially Xanana Gusmao as the symbol of Timorese resistance, the Resistance in East Timor has never been restricted to the armed struggle or to one leadership. Timorese resistance against Indonesian occupation is, above all, political, military, economic, cultural and diplomatic, - the armed struggle being just one facet of the overall resistance. (...).

We are slowly but carefully reorganising - we cannot construct the new edifice of the Resistance on shaky foundations. We are prepared for battle, whatever obstacles the enemy may put in our way. We would rather die than to submit to the occupier's psychological pressures! (...).

2. In spite of the initial euphoria, which characterised Jakarta's diplomatic support-seeking offensive to gain backing for its claim, and with Xanana Gusmao's capture considered by Jakarta to be its trump card, the truth is that time and circumstances proved, once again, that the Timorese problem continues to be the sharp pebble in Alatas's shoe. The issue has become a greater concern to the international community, which has not been taken in by Indonesia's lying propaganda.

Sadly, we have realised that the capture of our leaders has, again, served to alert international public opinion about Timor's drama, and has led governments, international human rights organisations, world leaders and outstanding politicians to speak out on the issue, thereby putting pressure (although clearly insufficient) on the Indonesian Government to respect the UN Charter, and General Assembly and UN Security Council resolutions on East Timor, and to respect human rights in the territory.

3. (...) The guerrilla leaders, who have been captured and imprisoned by the Indonesian invader, are internationally recognised Timorese leaders. They are leaders of a people who have never been part of Indonesia, and yet they are being tried and sentenced to life imprisonment (as in the case of Xanana Gusmao) by Indonesian courts, which have never had any juridical authority to take legal proceedings against our leaders and countrymen, since East Timor has never been recognised by the UN as being an integral part of Indonesia. East Timor continues to be a territory under Portuguese administration. (...).

Mr. President: we are all convinced that negotiations are the best way forward to find peace! It is only through negotiations that the best settlement of any conflict in the world may be found. It is, therefore, only by means of negotiations between all parties involved in the issue that a comprehensive, fair, and internationally acceptable solution for East Timor may be reached, - a solution which satisfies all parties involved, and which will secure fair and last pece for its people. (...).

The international climate is looking favourably on the efforts of Portugal and the Resistance to increase international pressure on Jakarta to sit down at the negotiating table with the Timorese, in order to find a political-diplomatic settlement.

Portugal has taken up a firmer and more responsible position regarding the issue, as Timor's legal administrative power, and has its diplomacy well rooted within the EC. Nevertheless, Mr. President, we acknowledge the difficulties which we believe constitute obstacles in Portugal's way: the serious

body. To do so selectively raises questions about the sincerity of the government's commitment to these principles and institutions. The government has also failed to become a party to the most important international human rights conventions, such as the International Covenant on Civil and Political Rights or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The principal responsibility for improving the human rights situation in Indonesia and East Timor rests with the Indonesian Government. But member states of the UN also have a role to play. By encouraging Indonesia to allow international monitoring of the human rights situation, and by insisting that the government abide by international human rights standards, the international community has recently begun to have an impact, albeit limited, on Indonesian Government policy and practice. That success, however modest, is one of the strongest arguments for the reiteration of international concern though the UNCHR and other bodies. It also points to the need for broadening the focus of UN concern beyond East Timor to Indonesia. With these considerations in mind, Amnesty International offers the following recommendations to UN member states and, in particular, to members of the UN Commission on Human Rights.

Recommendations to Members of the UN Commission on Human Rights

1. Urge the Indonesian authorities to account fully for the dead and "disappeared" from the Santa Cruz massacre and its aftermath; and to establish durable mechanisms to ensure that the victims of other serious human rights violations, in East Timor and Indonesia, have an effective avenue through which to seek redress and compensation.

2. Reiterate concern at the government's failure to bring to justice all those ultimately responsible for the Santa Cruz massacre, and at the disparity in sentencing between members of the security forces and their civilian victims; and call upon the Indonesian authorities to ensure that all those believed to be responsible for human rights violations, whether in Indonesia or East Timor, are tried by a civilian court and punished in accordance with the severity of their crime.

3. Reiterate concern about the unfair trial and imprisonment of the government's political opponents in East Timor, and call for the immediate and unconditional release of all prisoners of conscience throughout Indonesia and East Timor.

4. Call upon the Indonesian authorities to implement the recommendations of the UN Special Rapporteur on torture; and urge them to take immediate steps to ensure that the recently created National Commission on Human Rights meets the standards of impartiality and independence enumerated in the UN's Principles relating to the status of national institutions for the promotion and protection of human rights.

5. Encourage the Government of Indonesia to further improve access to East Timor by human rights organizations, including Amnesty International, and to put an end to the legal and other obstacles that continue to impede the work of international and domestic human rights and humanitarian bodies, both in East Timor and Indonesia.

6. Welcome the Government's decision to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor in 1994, and suggest that it also extend invitations to the UN Special Rapporteur on torture, the Working Group on Arbitrary Detention, and the Working Group on Enforced or Involuntary Disappearances; also urge the government to invite all four UN monitoring mechanisms not only to East Timor but also to Indonesia, and to facilitate the discharge of their mandates.

7. Seek a full report to the UN Commission on Human Rights at its next session, by the UN Secretary-General, regarding the results of the two visits to East Timor by his Personal Envoy, Mr Amos Wako.

8. Encourage the Government of Indonesia to become a party to key international human rights instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Civil and Political Rights (ICCPR), and its (first) Optional Protocol.